UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/422,387	10/21/1999	MOSHE ZILBERSTEIN	Q105533	5469

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<table>
<tr><td rowspan="2"></td><td>Application No.
09/422,387</td><td>Applicant(s)
ZILBERSTEIN ET AL.</td></tr>
<tr><td>Examiner
Khanh Q. Dinh</td><td>Art Unit
2451</td></tr>
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<div align="center">Office Action Summary</div>

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*17 February 2009*</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>*7-11,14,15 and 20-26*</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>*7-11, 14, 15 and 20-26*</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1. This is in response to the Amendment and Remarks filed . Claims 7-11, 14-15,

    20-26 are presented for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the

basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically

disclosed or described as set forth in section 102 of this title, if the

differences between the subject matter sought to be patented and the

prior art are such that the subject matter as a whole would have been

obvious at the time the invention was made to a person having ordinary

skill in the art to which said subject matter pertains. Patentability shall not

be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering

patentability of the claims under 35 U.S.C. 103(a), the examiner presumes

that the subject matter of the various claims was commonly owned at the

time any inventions covered therein were made absent any evidence to

the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to

point out the inventor and invention dates of each claim that was not

commonly owned at the time a later invention was made in order for the

examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35

U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 7-11, 14, 15 and 20-26 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Hoyer et al. (hereafter Hoyer), U.S. Pat. No.6,381,635 in view

of Klug et al. (hereafter Klug), U.S. pat. No.5,996,007.

As to claim 7, Hoyer discloses a method for providing usage information of a first

web site designated by a user (210 fig.3) (a system for screening Internet usage),

the method comprising:

receiving, from the user (210 fig.3), a designation of the first web site as a

monitored website (viewing the performance of monitored web sties, see co1.10

lines 44-65), wherein the monitored website is any web site on a communication

network (see figs. 3, 4, abstract, co1.8 line 52 to col.9 line 33 and co1.10 lines

45-65).

monitoring usage of the monitored website (performance monitoring), wherein

the usage is information about users who have viewed or are currently viewing

the monitored web site (measurements including average response time for all

the servers in the cluster in all web sites, see col.7 lines 9-65 and col.11 lines 13-

59) and transmitting data representative of the usage (performance data

measurements) to the user by way of a monitor window (display 34 fig.l) to the

user (210 fig.3) (see co1.10 line 45 to co1.11 line 51).

Hoyer does not specifically disclose transferring data to user when user

connected to other web site such that the user can simultaneously view the data

representative of the usage and any other web site. However, Klug in the same

usage monitoring environment discloses t transferring data to user when user

connected to other web site such that the user can simultaneously view the data

representative of the usage and any other web site (allowing user to view the

usage such as data loading process when the user logs in to a web site, see

Klug's abstract, figs.1, 2, col.4 lines 30-56, col.5 line 5 to col.6 line 21). It would

have been obvious to one of the ordinary skill in the art at the time the invention

was made to incorporate Klug's teachings into the computer system of Hoyer to

process data information in the internet because it would have enabled users to

easily view usage information at a desired location and enhanced user's

engagement in a communications network.

As to claims 8 and 9, Hoyer discloses displaying to the user the usage

information in a graphical format and in a text format (documents providing to

user are written in HTML, see co1.6 lines 20-45 and co1.7 lines 22-65).

As to claims 10 and 11, Hoyer discloses the usage information is displayed

automatically to the user and displayed only upon a command generated by the

user (users clicks buttons to get access to usage information, see fig.7, co1.18

lines 17-40).

As to claim 14, Hoyer discloses a computer-readable medium encoded with

processing instructions for implementing a method for providing usage

information of a first web site (monitored web site) designated by a user (210

fig.3) (a system for screening Internet usage), the method comprising:

receiving, from the user, a designation of the first web page as a monitored website (monitored web site) viewing the performance of monitored web sties, see co1.10 lines 44-65) wherein the monitored website is any web site on a communication network (see figs. 3, 4, abstract, co1.8 line 52 to co1.9 line 33 and co1.10 lines 45-65).

monitoring usage of the monitored website and transmitting data representative of the usage to the user by way of a monitor window (display 34 fig.l) to the user (210 fig.3) (see co1.10 line 45 to co1.11 line 51) and wherein the usage is information about users who have viewed or are currently viewing the monitored web site (measurements including average response time for all the servers in the cluster in all web sites, see col.7 lines 9-65 and col.11 lines 13-59).

Hoyer does not specifically disclose transferring data to user when user connected to other web site such that the user can simultaneously view the data representative of the usage and any other web site. However, Klug in the same usage monitoring environment discloses transferring data to user when user connected to other web site such that the user can simultaneously view the data representative of the usage and any other web site (allowing user to view the usage such as data loading process when the user logs in to a web site, see Klug's abstract, figs.1, 2, col.4 lines 30-56, col.5 line 5 to col.6 line 21). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate Klug's teachings into the computer system of Hoyer to process data information in the internet because it would have enabled

users to easily view usage information at a desired location and enhanced user's

engagement in a communications network.

As to claim 15, Hoyer discloses an apparatus for providing usage information of a first

web site (monitored web site) designated by a user (210 fig.3) (a system for screening

Internet usage):

a processor and a memory storing instruction for controlling the processor, the

processor operative with the processing instructions to:

receive, from the user (210 fig.3), a designation of the first web page as a monitored

website (monitored web site) viewing the performance of monitored web sties

(monitored web sites), wherein the monitored website is any web site on a

communication network (see figs. 3, 4, abstract, co1.8 line 52 to co1.9 line 33 and

co1.10 lines 45-65),

monitoring usage of the monitored website and transmitting data representative of the

usage to the user by way of a monitor window (display 34 fig.l) to the user (210 fig.3)

(see co1.10 line 45 to co1.11 line 51), wherein the usage is information about users who

have viewed or are currently viewing the monitored web site (measurements including

average response time for all the servers in the cluster in all web sites, see col.7 lines

9-65 and col.11 lines 13-59).

Hoyer does not specifically disclose transferring data to user when user connected to

other web site such that the user can simultaneously view the data representative of the

usage and any other web site. However, Klug in the same usage monitoring

environment discloses transferring data to user when user connected to other web site

such that the user can simultaneously view the data representative of the usage and

any other web site (allowing user to view the usage such as data loading process when

the user logs in to a web site, see Klug's abstract, figs.1, 2, col.4 lines 30-56, col.5 line 5

to col.6 line 21). It would have been obvious to one of the ordinary skill in the art at the

time the invention was made to incorporate Klug's teachings into the computer system

of Hoyer to process data information in the internet because it would have enabled

users to easily view usage information at a desired location and enhanced user's

engagement in a communications network.

As to claim 20, Hoyer discloses an indication of a most-popular next-visited web site for

the plurality of users, an indication of web sites visited by the plurality of users prior to

visiting the first web site and an indication of when and for how long the plurality of

users visited the first web site (using server history and cluster history, see fig.4, col.7

lines 9-65 and col.10 line 45 to col.11 line 62).

As to claim 21, Hoyer discloses a method for providing usage information of a first web

site designated by a first user, the method comprising:

receiving, from the first user (210 fig.3), a designation of the first web site as a

monitored website (monitored web site), wherein the monitored website is any web site

on a communication network see figs. 3, 4, abstract, col.8 line 52 to col.9 line 33 and

col.10 lines 45-65), wherein the usage is information about users who have viewed or

are currently viewing the monitored web site (measurements including average

response time for all the servers in the cluster in all web sites, see col.7 lines 9-65 and

col.11 lines 13-59),

monitoring at least one other user's usage of the monitored website and transmitting

data representative (user's usage information) of the at least one other user's usage to

the first user by way of a monitor window (display 34 fig.1) to the user (210 fig.3) (see

co1.10 line 45 to co1.11 line 51),

Hoyer does not specifically disclose transferring data to user when user connected to

other web site such that the user can simultaneously view the data representative of the

usage and any other web site. However, Klug in the same usage monitoring

environment discloses t transferring data to user when user connected to other web site

such that the user can simultaneously view the data representative of the usage and

any other web site (allowing user to view the usage such as data loading process when

the user logs in to a web site, see Klug's abstract, figs.1, 2, col.4 lines 30-56, col.5 line 5

to col.6 line 21). It would have been obvious to one of the ordinary skill in the art at the

time the invention was made to incorporate Klug's teachings into the computer system

of Hoyer to process data information in the internet because it would have enabled

users to easily view usage information at a desired location and enhanced user's

engagement in a communications network.

Claims 22-26 are rejected for the same reasons set forth in claims 8-11 and 20
respectively.

Response to Argument

3.   Applicant's arguments filed on 2/17/2009 have been fully considered but they are
not persuasive.

*   Applicant asserts that the cited reference does not disclose the usage is
    information about users who have viewed or are currently viewing the monitored
    web site.

    Examiner respectfully point out that Hoyer discloses that the usage is<u>information</u>

    *<u>about users who have viewed</u> **or** are currently viewing the monitored web site*

    (<u>information about users who have viewed</u> to be the measurements including

    average response time for all the servers in the cluster in all web sites, see col.7

    lines 9-65 and col.11 lines 13-59) as rejected above.

    As a result, cited prior art does disclose a method for providing usage information

    of a first web site designated by a first user, as broadly claimed by the Applicants.

    Applicants clearly have still failed to identify specific claim limitations that would

    define a clearly patentable distinction over prior art.

Conclusion

4.   Claims 7-11, 14, 15 and 20-26 are rejected.

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Khanh Dinh whose telephone number is (571) 272-

3936. The examiner can normally be reached on Monday through Friday from 8:00 A.m.

to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Zarni Maung, can be reached on (571) 272-3939. The fax phone number for

this group is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PMR or Public PMR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

/Khanh Dinh/

Primary Examiner, Art Unit 2451